

STATE OF MICHIGAN  
IN THE SUPREME COURT

STEVEN EDWARD KING,

Plaintiff-Appellee,

v

STATE OF MICHIGAN; MICHIGAN  
DEPARTMENT OF LABOR AND  
ECONOMIC GROWTH ("DLEG"), an  
Executive agency of the State of Michigan  
And KENNETH ROSS, solely in his  
Capacity as Commissioner of the Office of  
Financial and Insurance Regulation,

Defendant-Appellant.

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Supreme Court #140684

Court of Appeals No. 288290

Ingham Circuit Court Case  
No. 08-814-CZ

40684 **APPELLEE STEVEN KING'S SUPPLEMENTAL BRIEF**

KELLEY CAWTHORNE, PLLC  
Frank J. Kelley (P15818)  
Dennis O. Cawthorne (P11748)  
Steven D. Weyhing (P30749)  
Attorneys for Steven Edward King  
208 N. Capitol Avenue, 3<sup>rd</sup> Floor  
Lansing, MI 48933-1356  
(517) 371-1400

**FILED**

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## **INTRODUCTION**

By order dated July 15, 2010, the Court provided the opportunity to file supplemental briefs. Plaintiff-Appellee, Steven King, submits the following additional factual information and legal argument as a result of the Court's invitation.

## **ADDITIONAL FACTUAL INFORMATION**

The insurance agent license application filed by Steven King in 2004 that resulted in the Appellant's review of King's year 2000 OUIL conviction and written grant of a waiver to engage in the business of insurance, provided complete disclosure of the details surrounding his prior conviction (**Tab 1**). No mistake or lack of information existed with respect to the Appellant's final decision to issue a license and Appellant's advice to King to "safeguard" the approval letter and keep it "together with your license as proof of this waiver . . . in case your record and/or ability to engage in the business is ever challenged by someone in . . . state government."

The 2002 informational bulletin (**Tab 2**), issued by former Insurance Commissioner Frank Fitzgerald, announcing the Model Producer's Licensing Act amendments to Michigan's Insurance Code, MCL § 500.100 et seq. ("Code"), refers applicants to the same application utilized by King and that application's offer of the waiver process. The bulletin in no way suggests that a prior felony conviction automatically prohibits a citizen from applying for an insurance producer's license.<sup>1</sup>

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<sup>1</sup> Even the Appellant's website as of 11/19/2007 (**Tab 3**), continued the offer of waiver and stated unequivocally: ". . . if you have been convicted of a felony, you will need to complete and submit an application for written consent to engage in the business of insurance. . ."

Shifting to the year 2008 and the Appellant's efforts to rescind the 2004 decision it reached on King's license, the only "administrative process" identified to challenge the rescission, provided no informal conference for compliance, a refusal to provide King's licensing file to his counsel and ex parte communications with King even though notice of counsel had been filed with the agency (**Tab 4**). The Commissioner who had already announced his prejudgment of the issue before the State Legislature in confirmation hearings, became the self appointed hearings officer and final decision maker wrapped into one.<sup>2</sup>

## **ARGUMENT I**

### **THE UNPUBLISHED AND UNAPPEALED ADMINISTRATIVE DECISION OF THE APPELLANT AGENCY DOES NOT ERADICATE OR DEFEAT THE EQUITY JURISDICTION OF THE JUDICIARY.**

Appellant's effort to reconsider its own fully informed license decision did not result from a judicial decision or a change in the Code, after the issuance of King's license. Instead, DLEG's pre-determined mission stems from an incorrect and unpublished administrative decision, *Mazur v OFIS*, Case No. 03-384-L (May 14, 2004) rendered by Appellant's former

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<sup>2</sup> With respect to the initial documents drafted by the Appellant to commence the sham "administrative process", the Attorney General's Office had to advise that the "prejudgment expression" be avoided since "it expresses unequivocally the intention of the Commissioner", even though "it may be true". (**Tab 5**).

commissioner. The unpublished and unappealed Mazur administrative decision<sup>3</sup> does not trump or eradicate the long standing equity jurisdiction of the Michigan Judiciary.

Michigan has always recognized the separate and overriding power of its constitutional judiciary to wield its equity powers in the face of unjust overreaching by governmental entities.

*Township of Pittsfield v Malcolm*, 375 Mich 135 (1965) reviewed a scenario identical to the actions taken by the Appellant against Steven King. In *Malcolm*, this Court considered the retroactive application of a statutorily authorized township ordinance to the completed construction of a commercial pet kennel. Prior to constructing the kennel, the business operator had secured a letter from the township acknowledging the legality of the operation under the applicable zoning designation. Upon application the township issued the necessary building permit. Defendant completed the structure and opened for business.

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<sup>3</sup> The Code, Appellant's governing statute, does not empower the Appellant to ignore the Administrative Procedures Act's ("APA") requirement that it must publicly notice and properly promulgate all rules and regulations it wishes to enforce. See MCL 24.231 et seq. The Mazur decision fails to even come close to compliance with the APA's rule promulgation requirements.

The State itself in 2008, through its Labor Relations Director, Frank Russell, acknowledged the "unknown" nature of the Mazur decision. In his report reinstating the State's Director of Insurance Licensing after her dismissal for reviewing applicants with felony convictions, Russell documented as follows:

Until just prior to this investigation, it does not appear that the Mazur Final Decision had been implemented. Many of the individuals interviewed explained that they were aware of the Mazur Final Decision but believed that IF that decision changed the review processes conducted by the Insurance Licensing staff, then some type of document (i.e., declaratory ruling, a bulletin, or even a memorandum from the OGC or the Commissioners Office) would have been issued to staff to ensure that they were aware of and would now be expected to comply with the policy change that was created by the Mazur Final Decision. . . .The record is void of any such information that was presented to staff that would have changed the way that Resident Insurance Producer applications were to be reviewed. . . . In this particular case, both the Chief Deputy Commissioner and the Deputy Commissioner indicated that they were not formally aware of the Mazur Final Decision until October 2007.

Almost a year later, the township demanded closure of the business and asserted that its issuance of the permit was unlawful, since the assigned zoning designation for the property expressly did not permit animal kennels.

Although this Court confirmed the township's legal analysis with respect to the ordinance prohibition, it recognized the exceptional circumstances and affirmed the trial court's utilization of its equitable powers to prohibit the township from rescinding the building permit and ordering a cessation of the business.

We regard the circumstances as so exceptional in this case as to require an exception be made to the general rule. . . . Defendants had spent forty-five thousand dollars for a specialty type building of otherwise doubtful utility. In addition, plaintiff waited over ten months after construction, occupancy and operation before challenging defendant's right to continue using the building as an animal kennel. While no factor is in itself decisive of the case, the entire circumstances viewed together present compelling reasons why equity should refuse plaintiff's request for injunction. To do so otherwise would be contrary to equity and good conscience.

*Malcolm* at 148

As Justice Black indicated in concurrence, the United States Supreme Court has long supported the principle that the Judiciary's inherent equity powers do not magically evaporate, simply because one party is an administrative agency or local government.

"When the United States . . . comes into court to assert a claim, it so far takes the position of a private suitor as to agree by implication that justice may be done with regard to the subject matter". (Quotation from *Hunt v State Highway Commissioner*, 350 Mich 309, 321, following *United States v Norwegian Barque "Thekla,"* 266 US 328 . . .).

By the quoted rule there is a limit, to the sometimes legally superior rights of a sovereign State and its various units of government, when that State or any such unit comes into a court of equity to assert a claim. In that forum at least no party stands higher than nor preferred over any other party.

*Malcolm* at 149

In *Hecht Company v Bowles*, 321 US 321 (1944), the United States Supreme Court again confirmed the independent equity power of the judiciary in the context of agency regulatory

action. The Court, although finding the existence of a violation of the price control statute imposed during World War II, refused to grant the agency's request for an injunction:

We are dealing here with the requirements of equity practice with a background of several hundred years of history. . . . The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument for nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims.

*Hecht* at 329, 330

See also *Weinberger v Romero-Barcelo*, 456 US 305 (1982). In *Romero-Barcelo*, the United States Supreme Court utilized its equity power to allow continuation of the U.S. Navy's practice bombing of a small island off the coast of Puerto Rico, despite the acknowledged unlawful nature of the practice without a permit under the Federal Water Pollution Control Act.

. . . the comprehensiveness of this equitable jurisdiction is not to be denied or limited in the absence of a clear and valid legislative command. Unless the statute in so many words or by a necessary and inescapable inference restricts the Court's jurisdiction in equity, the full scope of that jurisdiction is to be recognized and applied. The great principles of equity securing complete justice should not be yielded to light inferences or doubtful construction.

*Romero-Barcelo* at 313, citing *City of Porter v Warner Holding*, 328 US 395, 398 (1946)

King's livelihood as an insurance agent is just as essential and worthy of the protection of equity as the livelihood of the kennel operator considered in *Malcolm*. King invested the time and finances to pass the examination required for licensure and provided the Appellant any and all information requested, including detailed information regarding his now 10 year old OUIL conviction. He then embarked on a successful career as an insurance agent and has served in that profession for the past 6 years, without consumer or industry regulatory complaint. He relied on and trusted the Appellant's final decision to issue a license, to the exclusion of pursuing other careers. He trusted in the written determination of the Appellant granting him the "authority to



engage in the business of insurance”. He heeded the advice of the Appellant and safeguarded the written determination granting that authority in case his “ability to engage in the business is ever challenged by someone in state government”. He believed in the never outdated principle that both the applicant and regulator must provide honesty, integrity and full disclosure in a regulatory license process and stand behind their statements and determinations. The “flexibility”, “mercy” and “practicality” of equity cannot ignore the undisputed facts and tolerate the destruction of his livelihood and the career he has established through honesty and hard work, because an administrative agency<sup>4</sup> through the passage of time and the succession of directors, has changed its mind.

## **ARGUMENT II**

### **MICHIGAN’S STATUTORY FRAMEWORK, PRIOR TO JANUARY 9, 2009, REQUIRED THE EXERCISE OF REASONABLE DISCRETION IN THE CONSIDERATION OF THE ISSUANCE OF AN INSURANCE AGENT LICENSE TO APPLICANTS WITH PRIOR OUIL CONVICTIONS.**

The Mazur decision myopically and incorrectly focuses on only one word in one section of the Code and ignores the overall requirement of discretion required by the Code, the plain language of the section utilized by the former commissioner to arrive at the draconian result, and Michigan’s Licensing of Former Offenders Act (MCL 338.41 et seq. “Former Offenders Act”).

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<sup>4</sup> As Appellant admits, like a municipal government, it is only a creature of legislation. It possesses no power to enact new legislation, issue binding judicial precedent or absent specific and express statutory language, displace the constitutionally recognized equity jurisdiction of the judiciary. No part of the Insurance Code of 1956 eliminates the traditional and long standing equity jurisdiction of the State’s judiciary.

The Code itself requires the agency to use its discretion in the consideration of applications from individuals with prior OUIL convictions. Overall, Section 205 of the Code (MCL 500.205) requires that all “orders, decisions, findings, rulings, determinations, opinions, actions and inactions of the Commissioner in this act shall be made or reached in the reasonable exercise of discretion”. This mandate is all-encompassing and requires the commissioner to utilize the reasonable exercise of discretion in making findings or taking actions under all provisions of the Code. Chapter 12, dealing with the issuance of insurance agent licenses is not exempt from this overall mandate of discretion.

Consequently, Section 1239 states that “in addition to any other powers under this act, the commissioner may place on probation, suspend, revoke or refuse to issue an insurance producer’s license for any one or more of the following causes: (f) having been convicted of a felony.”<sup>5</sup> The plain wording of this section and utilization of the term “**may**” is fully consistent with the overall requirement of discretion on the part of the commissioner identified in Section 205 and is in direct contradiction to the assertion by the agency that it was automatically barred by statute from accepting license applications from anyone with an OUIL felony conviction.

Even the agency’s sole focus on Section 1205 of the Code is misplaced since that provision states as follows:

An application for resident insurance producer shall not be approved unless the commissioner **finds** that the individual meets all of the following:

(b) Has not committed any act **that is a ground** for denial, suspension, or revocation under section 1239.

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<sup>5</sup> Section 1239 contains a list of other reasons for a refusal to issue a license, including failure to comply with a child support order. The Mazur logic would also bar an individual from applying for a license if he had ever failed to comply with a child support order, regardless of inadvertence or subsequent restitution. MCL 500.1239(1)(m).

By its own terms, Section 1205 requires a “finding” by the commissioner, which not only by plain language in Section 205 and the reference to Section 1239, but by common sense, requires the exercise of reasonable regulatory thought and discretion, not the blind application of a robotic ban.

Section 1205 is easily harmonized with 1) Section 205’s requirement that all “Orders, decisions, findings, . . . , actions and inactions of the Commissioner” must be reached “in the reasonable exercise of discretion” and 2) Section 1239’s specific use of the discretionary term “may” in the evaluation of license issuance. However, that harmony is not reached by concluding that the word “shall”, in one section and in isolation, contains all statutory power, but by recognizing that these provisions all work together. In plain terms, if the commissioner “finds” under Section 1205, in the “reasonable exercise of discretion” under Section 205 and the “may” of Section 1239, that a particular felony of an applicant provides “a ground” for a refusal to issue a license, then he or she shall deny that license.<sup>6</sup>

The avoidance of providing one isolated word all statutory power to the exclusion of all others is consistent with the Supreme Court’s pronouncements in *Lorraine Cab v City of Detroit*, 357 Mich 379 (1959) and *City of Grand Rapids v Crocker*, 219 Mich 178 (1922): “The entire act must be read, and the interpretation to be given to a particular word in one section arrived at after due consideration of every other section so as to produce, if possible, a harmonious and consistent enactment as a whole.”

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<sup>6</sup> Section 1239 also reaffirms the “reasonable exercise of discretion” standard of Section 205, by providing an applicant the right to appeal the refusal to issue a license and receive a hearing “to determine the reasonableness of the Commissioner’s action.” MCL 500.1239(2) The Mazur findings would, without legislative authority, neuter this subsection and effectively delete it from the Code.

Moreover, if it was the legislative intent to bar all licensing of individuals with a prior felony OUIL, the legislature would have amended the Former Offenders Act to provide an exception for insurance agents' licenses.

That Act, designed to encourage and contribute to the rehabilitation of former offenders, is applicable to all departments and agencies of the State of Michigan and prohibits the State from utilizing a judgment of guilt in a criminal prosecution "in and of itself" as the sole basis for a determination of the person's character and ability to "serve the public in a fair, honest and open manner". The Former Offenders Act applies not only to the term "good moral character" but words of "similar import" when used as a requirement for a professional license.

Michigan's Former Offenders Act, as an overriding licensing statute, requires each department of the State to exercise discretion in the consideration of applications for state licenses from individuals with prior criminal convictions.<sup>7</sup> The prior criminal conviction cannot be in and of itself, the sole basis for a determination that the individual is not fit to hold a public license, let alone be an automatic bar to application.<sup>8</sup> There is no exemption for DLEG or its OFIS.

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<sup>7</sup>To eliminate applicability of the Former Offenders Act, the State would have to argue that good character, honesty, integrity and ethics are not necessary to hold an insurance agent's license. Such an argument would be absurd. In addition, Section 3 of the Act required DLEG and OFIS to promulgate rules which prescribe the offenses which that department considers indicate a person is not likely to serve the public as a licensee in a fair, honest and open manner. OFIS also failed to comply with this statutory mandate. Equity does not reward those that disregard a statutory duty.

<sup>8</sup> See *In re Theuerle*, 172 Mich App 794, 799 (1988)

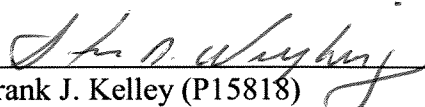
### **CONCLUSION**

For the reasons stated above, Appellee requests denial of the application for leave to appeal or in the alternative affirmance of the Court of Appeals' decision; and an award of costs and attorney fees.

Respectfully submitted,

**KELLEY CAWTHORNE, PLLC**

Date: 8/26/2010

By:   
Frank J. Kelley (P15818)  
Dennis O. Cawthorne (P11748)  
Steven D. Weyhing (P30749)  
Attorneys for Appellee Steven Edward King

PLEASE TYPE

SECTION I - APPLICANT INFORMATION

1. Full Name of Applicant:

King Steven Edward  
Last Name First Name Middle

Have you ever been known by or used another name, including maiden name? yes no  
If yes, identify: \_\_\_\_\_

Home Address: 24331 Fairway Hills Drive Novi MI 48374  
Street Address City State Zip

Mailing Address: 24331 Fairway Hills Drive Novi MI 48374  
P.O. Box or Street Address City State Zip

Home Telephone Number: (248) 596-9993

Work Telephone Number: (248) 921-9955

Social Security No. 365-92-6031

Have you ever used or been issued another social security number? NO If so, provide an explanation and previous/other social security number(s) \_\_\_\_\_

Place and Date of Birth: Detroit, Michigan

*(Answer all questions fully and completely. Failure to answer the questions fully will result in delays in the application process. You are not limited to the space below. Attach additional pages if needed).*

SECTION II - CRIMINAL HISTORY

1. List any felony(s) for which you have been arrested, charged, indicted, or convicted. Include details of any negotiated plea agreements and pleas of nolo contendere to an information or indictment. Attach a full description of your acts involved in the aforementioned matters. Include dates of charge, location, and nature of offense. Attach additional pages if needed.

CUIL 3 - May 7, 2000, Farmington Hills, MI

After having several drinks, I operated a motor vehicle and was arrested.

2. Provide details of the conviction for which you are seeking written consent and the final disposition of these matter(s), including sentence; dates of incarceration; dates of probation/parole (if you are currently under probation/parole, include the name and phone number of person supervising your parole or probation; restitution paid; fines/costs ordered; fines/costs paid; and pardons granted. Include information as to whether or not your civil and political rights have been restored. Attach additional pages if needed.

I was convicted of CUIL 3 and have completed all court requirements.

Sentence: guilty - 91 days work release program (jail) 9/26/00 - 12/00

Dates of Probation 9/00 - 9/02 - all requirements completed and discharged from probation

Fines and costs ordered and paid - \$1,160.00

Civil and political rights have been restored

60 days community service ordered and completed

Drivers license revocation - privileges have been restored

SECTION III - PRESENT/PROPOSED INSURANCE EMPLOYMENT

1. Please specify the name and address of your current or proposed employer to which the requested exemption will apply.

American Income Life Insurance, Co.

24100 Southfield Rd. , ste 305 , Southfield, MI 48075

2. Please describe in detail the office, position, and title, to which the requested exemption will apply and a complete description of the activities, duties and responsibilities. Please attach or describe any proposed or current written or oral agreements, contracts, or understandings with any entity engaged in the business of insurance as defined by 18 U.S.C. § 1033. (If consent is given, it will be applicable to the activities described herein.) Please include your date of employment or proposed date of employment.

I will be working for American Income Life Insurance Co. out of the Southfield, Michigan office.

My title would be Producer/Agent. The activities, duties, responsibilities I would be involved

in are as follows: Telephone appointment setting, In home sales presentations, Accepting premiums,

Writing applications, and delivering policies. Attached is a copy of my contract. My employment

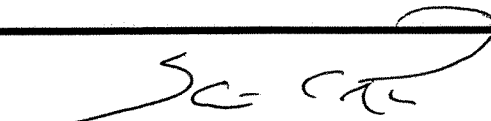
would commence upon receipt of approved 1033.

#### SECTION IV - ATTACHMENTS

Attach the following documents to this Application for written consent. Applications without attachments, or applications with incomplete attachments, will be returned to the applicant.

1. Certified copy of the applicant's criminal history.
2. Certified copy of the indictment, criminal complaint, or docket sheet or other initiating documents for the charge(s) which is the subject of this Application.
3. A certified copy of the order of judgment and sentence of the court for the conviction that is the subject of this Application, including certification of completion and performance of all conditions imposed by the court.
4. An affidavit from the individual that seeks to employ you stating in detail the duties and responsibilities that you are performing or are to perform for them and for which you seek written consent and that it is that individual's opinion that the performance of these responsibilities does not constitute a threat to the public.

I, Steven Edward King (name of applicant), swear under penalty of law that my statements in the attached Application, and the documents appended thereto, are true and correct and complete. I understand that my statements in the Application and the attachments to my Application will be relied upon by the Insurance Commissioner of the State of Michigan in the execution of his or her duties under the Insurance Code, and 18 U.S.C. § 1033, in making a decision on this Application. I understand that if I have made any false statement in this Application, or if there are any false statements included in the attachments to this Application, I may be criminally prosecuted under any state criminal or administrative remedies available and that any insurance license(s) that I currently hold, or for which I have applied, will be subject to suspension or revocation. I further understand that these false statement(s) would also constitute a violation of 18 U.S.C. § 1033. For purposes of this Application, I do not contest the validity of any felony conviction upon which this request would be granted. *By signing this Application, I acknowledge that the Insurance Department, for the State of Michigan may conduct an independent investigation to confirm the information in this Application and I expressly consent and authorize any person, business or agency to release any information the Insurance Department may request as part of the investigation, including but not limited to, records of my former employment, state and federal tax returns, business records, and banking records.*

  
Signature of Applicant                      7/22/04  
Date

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to, and acknowledged before me by \_\_\_\_\_ to be his/her free act  
and deed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public, State at Large

My Commission Expires \_\_\_\_\_



## STATE OF MICHIGAN

THE DISTRICT COURT-JUDICIAL DISTRICT NO. 47

County of OAKLAND

PROS. ORDER NO. 00-41851

COMPLAINT Case  
No.THE PEOPLE OF THE STATE OF MICHIGAN  
VS.STEVEN EDWARD KING/63-00-041851-01  
31611 Marblehead  
Farmington, Mi 48336

Defendant(s)

Date of Offense: May 7, 2000  
Location: CITY OF FARMINGTON HILLS  
Complainant: OFC. NEWCOMB  
Complaining  
Witness: OFC. R. NORMAN

## WITNESSES

OFC. L. LUTTRELL, c/o FARMINGTON HILLS POLICE DEPT.  
SGT. VANMETER  
CLERK OF 54/B DISTRICT COURT  
(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OWI ON 10/24/90  
CLERK OF 54/B DISTRICT COURT  
(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OUIL ON 7/29/91  
CLERK OF 54/B DISTRICT COURT  
(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OUIL ON 7/29/91  
REP. SEC. OF STATE  
(DT) RE: CERT. COPY OF DRIVING RECORD OF STEVEN EDWARD  
KING, DOB: 10/16/70, OPS #K-520-777-189-797

## STATE OF MICHIGAN, COUNTY OF OAKLAND

The COMPLAINING WITNESS says that on the date and at the location described, the defendant, contrary to law,

did operate a vehicle upon Eight Mile Road, a highway, while being under the influence of intoxicating liquor, or while having an alcohol content of 0.10 grams or more per 210 liters of breath; Contrary to MCL 257.625(1);MSA 9.2325(1).

## 3RD OFFENSE NOTICE - FELONY

Take notice that the defendant was previously convicted of operating a motor vehicle while under the influence of intoxicating liquor on or about July 29, 1991 in the 54/B District Court, and of operating a motor vehicle while under the influence of intoxicating liquor on or about July 29, 1991 in the 54/B District Court, and of operating a motor vehicle while visibly impaired by the consumption of intoxicating liquor on or about October 24, 1990 in the 54/B District Court;

Therefore, upon conviction, the defendant will be subject to an enhanced sentence under MCL 257.625(8); MSA 9.2325(8) or MCL 257.625(10); MSA 9.2325(10), vehicle forfeiture under MCL 257.625n: MSA 9.2325(14), and vehicle immobilization under MCL 257.904d; MSA 9.2604(4); Contrary to the statute in such case made and provided and against the peace and dignity of the people of the State of Michigan. [257.6256D]

FELONY: \$500.00 - \$5,000.00; and either 1 to 5 Years or probation with 30 Days to 1 Year in jail, at least 48 hours to be served consecutively, and 60 to 180 Days community service; rehabilitative program(s) (see MCL 257.625b(5)); costs of prosecution; reimburse government for emergency response and expenses for prosecuting defendant (see MCL 769.1f).

OPERATING - OUIL/PER SE/OWI - 3RD OFFENSE NOTICE - FELONY

STATE OF MICHIGAN, COUNTY OF OAKLAND

PROS. ORDER NO. 00-41851

Case

COMPLAINT No.

WARRANT AUTHORIZED BY  
THE OAKLAND COUNTY PROSECUTING ATTORNEY

*for RA Gmo*  
Assistant Prosecuting Attorney

The complaining witness asks that defendant be apprehended and dealt with according to law.

Dated: 5/8/00

No. \_\_\_\_\_

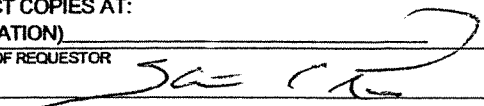
Subscribed and Sworn to on this day by

*Michael A. Chasman*  
Complaining Witness

*James D. [Signature]*  
Before the above-named District Judge/Deputy Clerk/Magistrate

**REQUEST FOR PUBLIC RECORDS**  
MICHIGAN FREEDOM OF INFORMATION ACT

(Print or Type Your Request)

TO BE COMPLETED BY REQUESTOR		METHOD OF ACCESS TO RECORD	
NAME OF PERSON MAKING REQUEST STEVEN E. KING		<input checked="" type="checkbox"/> MAIL TO REQUESTER <input type="checkbox"/> MAIL TO (If Different Than Requester)	
COMPANY REPRESENTING		STREET ADDRESS 24331 Fairway Hills Dr.	
STREET ADDRESS 24331 FAIRWAY HILLS DR		CITY Novi	
CITY NOVI		STATE MI	ZIP CODE 48374
STATE MI	ZIP CODE 48374	<input type="checkbox"/> INSPECT COPIES AT: (MSP LOCATION)	
PHONE NUMBER 248 596-9993		SIGNATURE OF REQUESTOR 	
YOUR CLIENT OR INSURED		<b>STATE POLICE WORK UNIT USE ONLY</b>	
YOUR FILE NUMBER		OFFICIAL RECEIVING REQUEST	
<b>TYPE OF REPORT REQUESTED</b>  <input type="checkbox"/> INCIDENT REPORT # _____ <input checked="" type="checkbox"/> CRIMINAL HISTORY RECORD  <input type="checkbox"/> PHOTOS  <input type="checkbox"/> OTHER		WORK UNIT	DATE RECEIVED
		METHOD OF REQUEST  <input checked="" type="checkbox"/> LETTER <input type="checkbox"/> TX <input type="checkbox"/> IN PERSON <input type="checkbox"/> FROM CJIC	
		<b>ACTION TAKEN</b>	
		<input type="checkbox"/> DOCUMENT PROVIDED AT WORK SITE	
		<input type="checkbox"/> COPY OF REQUESTED RECORD TO FOI UNIT	
		<input type="checkbox"/> REQUESTED RECORDS UNAVAILABLE AT WORK SITE. REQUEST FORWARDED TO FOI UNIT	
		<input type="checkbox"/> OTHER	
		<b>SUPERVISING OFFICER'S RECOMMENDATIONS</b>	
		<input type="checkbox"/> RELEASE <input type="checkbox"/> EXEMPT/DENY (Attach RI-109)	
NAME REFERRED TO IN RECORD STEVEN EDWARD KING		SIGNATURE _____ DATE _____	
SID NUMBER		FBI NUMBER	
DATE OF BIRTH 10-16-70		DRIVER LICENSE NUMBER K 520 777 189 797	
SOCIAL SECURITY NUMBER* (voluntary) 365-92-6031		DISTRICT/POST/SECTION/UNIT	
PRISON NUMBER (If Any)		MAILING ADDRESS:	
DATE OF EVENT (Month/Day/Year) 5/7/00		MICHIGAN DEPARTMENT OF STATE POLICE CRIMINAL JUSTICE INFORMATION CENTER FREEDOM OF INFORMATION UNIT 7150 HARRIS DRIVE LANSING, MI 48913	
LOCATION OF EVENT (Street/City/Zip) FARMINGTON HILLS, MI			
SPECIFIC EVENT TO WHICH RECORD REFERS  DUNK DRIVING ARREST			

AUTHORITY: 1976 PA 442  
COMPLIANCE: VOLUNTARY

\* This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.

OAKLAND COUNTY CLERK  
G. WILLIAM CADDELL

RECEIPT 075168  
CERT. COPIES 15.00  
CASH \$ 20.00  
TOTAL \$ 15.00  
CHANGE \$ -5.00

1. Civil Action 100.00  
2. Civil Action (FOC) 130.00  
3. Civil Action (10-1-96 thru 9-30-97) 90.00  
4. Civil Action (FOC) (10-1-96 thru 9-30-97) 120.00  
5. Civil Action (10-1-95 thru 9-30-96) 80.00  
6. Civil Action (FOC) (10-1-95 thru 9-30-96) 110.00  
7. Civil Action (10-1-94 thru 9-30-95) 72.00  
8. Civil Action (FOC) (10-1-94 thru 9-30-95) 102.00  
9. Civil Action (10-1-93 thru 9-30-94) 62.00  
10. Civil Action (FOC) (10-1-93 thru 9-30-94) 92.00  
11. Civil Action (1-90 thru 10-93) 42.00  
12. Civil Action (FOC) (1-90 thru 10-93) 72.00  
13. Civil Action (Prior to 1990) 40.00  
14. District Appeal - Civil 100.00  
15. District Appeal - Criminal 100.00  
16. Execution 15.00  
17. Garnishment 15.00  
18. Subpoena (Jgmt Debtor) 15.00  
19. Judgment 10.00  
20. F.O.C. - Mediation 30.00  
21. F.O.C. - Investigation 40.00  
22. Filiation Notice 35.00  
23. Jury Fee 85.00  
24. Trial Fee 15.00  
25. Appeal - Court of Appeals 25.00  
26. Appeal - Supreme Court 25.00  
27. Admission to the Bar 25.00  
28. Reinstatement 30.00  
29. Trust Account  
30. Motion - Civil 20.00  
31. Passport Fees 30.00  
32. Photocopies

33. Certified Copies - Legal  
34. Certified Copies - Vitals  
35. Certified Copies - A. Names  
36. Court Costs  
37. Criminal Bonds  
38. Construction Lien (under 1 yr) 25.0  
39. Construction Lien (over 1 yr) 10.0  
40. Assumed Names 10.0  
41. Assumed Names - Out of State 2.0  
42. CoPartnership 10.0  
43. CoPartnership - Amended 10.0  
44. Discontinuance of DBA 10.0  
45. Discontinuance of CoPartnership 10.0  
46. Notary Commission 1.0  
47. Notary Certifications  
48. Marriage License 20.0  
49. Marriage License - Out of State 30.0  
50. Waiver 5.0  
51. Concealed Pistol License 105.0  
52. Concealed Pistol Replacement 10.0  
53. Voter Registration (listing/labels)  
54. Late Filing (Elections)  
55. Qualified Voter File  
56. Recount (Elections)  
57. Filing Fee (Elections)  
58. Photocopies (Elections)  
59. Miscellaneous  
60. Birth Michigan 26.C  
61. Birth Foreign 13.C  
62. Request for Information  
63. Confidential Intermediary  
69. Civil Bonds  
72. Passport Photos 10.C  
73. CPL Photos 10.C  
74. Bond Forfeiture - Surety

Case Number \_\_\_\_\_

Clerk \_\_\_\_\_

Total Fee(s) \$ \_\_\_\_\_

175168

STATE OF MICHIGAN

THE DISTRICT COURT-JUDICIAL DISTRICT NO. 47

County of OAKLAND

PROS. ORDER NO. 00-41851

WARRANT

Case  
No.

THE PEOPLE OF THE STATE OF MICHIGAN

VS.

STEVEN EDWARD KING/63-00-041851-01  
31611 Marblehead  
Farmington, Mi 48336

Defendant(s)

Date of Offense: May 7, 2000

Location: CITY OF FARMINGTON HILLS

Complainant: OFC. NEWCOMB

Complaining  
Witness: OFC. R. NORMAN

WITNESSES

OFC. L. LUTTRELL, c/o FARMINGTON HILLS POLICE DEPT.

SGT. VANMETER

CLERK OF 54/B DISTRICT COURT

(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OWI ON 10/24/90

CLERK OF 54/B DISTRICT COURT

(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OUIL ON 7/29/91

CLERK OF 54/B DISTRICT COURT

(DT) RE: CERT. COPY OF CONV. OF STEVEN EDWARD KING FOR  
OUIL ON 7/29/91

REP. SEC. OF STATE

(DT) RE: CERT. COPY OF DRIVING RECORD OF STEVEN EDWARD  
KING, DOB: 10/16/70, OPS #K-520-777-189-797

STATE OF MICHIGAN, COUNTY OF OAKLAND

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

did operate a vehicle upon Eight Mile Road, a highway, while being under the influence of intoxicating liquor, or while having an alcohol content of 0.10 grams or more per 210 liters of breath; Contrary to MCL 257.625(1);MSA 9.2325(1).

3RD OFFENSE NOTICE - FELONY

Take notice that the defendant was previously convicted of operating a motor vehicle while under the influence of intoxicating liquor on or about July 29, 1991 in the 54/B District Court, and of operating a motor vehicle while under the influence of intoxicating liquor on or about July 29, 1991 in the 54/B District Court, and of operating a motor vehicle while visibly impaired by the consumption of intoxicating liquor on or about October 24, 1990 in the 54/B District Court;

Therefore, upon conviction, the defendant will be subject to an enhanced sentence under MCL 257.625(8); MSA 9.2325(8) or MCL 257.625(10); MSA 9.2325(10), vehicle forfeiture under MCL 257.625n: MSA 9.2325(14), and vehicle immobilization under MCL 257.904d; MSA 9.2604(4); Contrary to the statute in such case made and provided and against the peace and dignity of the people of the State of Michigan. [257.6256D]

FELONY: \$500.00 - \$5,000.00; and either 1 to 5 Years or probation with 30 Days to 1 Year in jail, at least 48 hours to be served consecutively, and 60 to 180 Days community service; rehabilitative program(s) (see MCL 257.625b(5)); costs of prosecution; reimburse government for emergency response and expenses for prosecuting defendant (see MCL 769.1f).

OPERATING - OUIL/PER SE/OWI - 3RD OFFENSE NOTICE - FELONY

STATE OF MICHIGAN, COUNTY OF OAKLAND

PROSP ORDER NO. 00-41851

WARRANT

Case

No.

WHEREAS on examination of said sworn COMPLAINT by me, it appears to me that said offense has been committed and there is just cause to suspect that said Defendant(s) are guilty thereof: THEREFORE IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, you and each of you are hereby commanded forthwith to take the said Defendant(s) and bring them before this Court, to be dealt with according to law.

Dated: 5/8/00

No. \_\_\_\_\_

*James P. Blaylock*  
District Judge/Magistrate

RETURN ON WARRANT

BY VIRTUE OF THIS WARRANT, I HEREBY CERTIFY AND RETURN THAT I HAVE TAKEN THE SAID DEFENDANT BEFORE THE SAID DISTRICT COURT, AS COMMANDED

Dated: \_\_\_\_\_, 20\_\_\_\_

SIGNED: \_\_\_\_\_  
DEPUTY SHERIFF, COURT OFFICER OR POLICE OFFICER

FINGERPRINT SEARCH RESPONSE

Requester : STEVEN E KING  
Reason for FP Search: Personal Record Review, PL 93-579  
Subject Printed : KING/STEVEN/EDWARD  
DOB : 10/16/1970  
SSN : 365926031

AS OF 07/30/2004,

When an explanation of a charge or disposition is required, please contact the local law enforcement agency, prosecuting attorney's office, and/or court directly. The Criminal Justice Information Center is unable to provide specific explanation information.

All arrest entries contained in this criminal history record are based on fingerprint comparisons.

Before an application is denied based on the criminal history information provided in this record, it is suggested that the applicant be allowed a reasonable time in which to challenge the accuracy of this record.

MI33006C6

PUR: R RESPONSE TO INQUIRY ON SID: 2085440P  
OPR: NATMS  
FOR: STEVEN E KING/000228839  
REMARKS: Requester's response to the AFIS fingerprint search

CRIMINAL HISTORY RECORD RESPONSES ARE DEPENDENT UPON CRIMINAL HISTORY RECORD INFORMATION (CHRI) BEING REPORTED TO THE CENTRAL REPOSITORY.  
USERS SHOULD CONTACT LOCAL CRIMINAL JUSTICE AGENCIES TO DETERMINE CHRI THAT COULD BE IN LOCAL FILES.

MICHIGAN CRIMINAL HISTORY RECORD INFORMATION MEETING DISSEMINATION CRITERIA FOR SID: 2085440P AS OF 07-30-2004.

NAM: KING/STEVEN/EDWARD/	SID: 2085440P		
RAC: W	SEX: M	DOB: 10-16-1970	FBI: 734180NB4
HGT: 510	WGT: 200	HAI: BRO	III: MICHIGAN ONLY
EYE: BLU	POB: MI		
		DLN: MI/K520777189797	

NCIC FINGERPRINT CLASSIFICATION  
FPC:

MNU:  
PRN:  
SOC:

AFIS PRINTS AVAILABLE: YES  
PALM PRINTS AVAILABLE: NO

PHOTO AVAILABLE: NO

CRIMINAL TRACKING NUMBER: 63-00-041851-01  
 TCN/OCA NUMBER: A100529192K /0011372  
 NAME USED: KING/STEVEN/EDWARD/

INCIDENT DATE: 05-07-2000

ARREST SEGMENT	: CHARGE SEGMENT	: JUDICIAL SEGMENT
DATE: 05-07-2000	: DATE: 05-07-2000	: DATE: 09-26-2000
MI6338900	: MI630013A	: MI630015J
PD FARMINGTON HILLS	: PA OAKLAND CO	: CT 06TH CIR PONTIAC
OCA: 0011372	: 1 CNT MCL 257.6256D	: CFN: 2000172798FH
1 CNT OF 5400	: FELONY	:
FELONY	: OP.-WHILE INTOX./	: CNT-1 MCL 257.6256D
TRAFFIC OFFENSE	: IMPAIRED/W/PRESENCE OF	: FELONY
DISP: CHGD BY PROSECUTOR	: A CONTROLLED SUB. 3RD	: OP.-WHILE INTOX./
	: OFF NOTICE	: IMPAIRED/W/PRESENCE OF
	:	: A CONTROLLED SUB. 3RD
	:	: OFF NOTICE
	:	: DISP: PLED GUILTY
	:	: SENT/REMARKS:
	:	: F/C/R 001100 CTYJAIL
	:	: 0091 PROB 0002 YRS
	:	: LICENSE-REVOKED

THIS RECORD HAS BEEN PREPARED FOR REVIEW BY THE SUBJECT OF  
 RECORD. USE AND DISSEMINATION IS CONTROLLED BY THE SUBJECT.

PURPOSE CODE USED NOT FORWARDED TO NCIC III.  
 END MSG.



DEPARTMENT OF STATE POLICE  
CRIMINAL JUSTICE INFORMATION CENTER  
7150 HARRIS DRIVE, LANSING, MI 48913

DATE : 07/31/2004

The enclosed response(s) is computer generated and is based on the criminal history information on file as of the date noted on each separate response. Each response also provides the name and other personal descriptors of the person searched for criminal history record information.

Since entry of new arrests, court dispositions for prior arrests or other database changes occur daily, a future record search for the person could be different.

STEVEN E KING

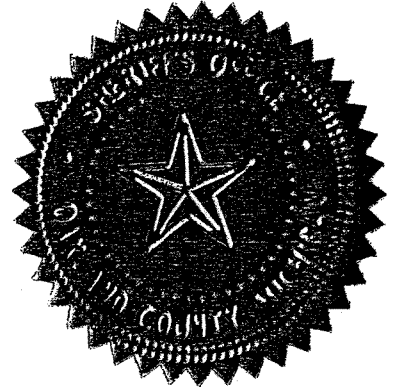
24331 FAIRWAY HILLS DR

NOVI

MI 48374-

COUNTY OF OAKLAND  
**OFFICE OF THE SHERIFF**

MICHAEL J. BOUCHARD



July 19, 2004

NAME: STEVEN EDWARD KING  
ADDRESS: 24331 FAIRWAY HILLS DR  
NOVI, MI 48374  
  
DATE OF BIRTH: OCTOBER 16, 1970  
DRIVER'S LICENSE NO: N/A  
  
MICHIGAN ID# K 520 777 797 0

Our search was conducted for the previous ten year period and has disclosed the following:

\_\_\_\_\_ This person either has no record of arrest or incarceration by the Oakland County Sheriff's Department or has a record that is court ordered Non-Public. (Note: please refer to the reverse side of this letter for information regarding other police agencies).

XXXX A record was identified. Please refer to the reverse side for this information.

For a complete criminal history, you may contact the Michigan State Police.

Completed by: \_\_\_\_\_

*Susan F. Wendland*

Records Bureau  
(248) 858-5011

APPROVED AND SWORN TO ME IN OAKLAND COUNTY  
on July 19, 2004  
*Angela M. Szealla*  
(Signature of Notary Public)

ANGELA M. SZEALLA  
Notary Public, Oakland County, Michigan  
My Commission Expires April 9, 2005

*April 9, 2005*

VH/REV 1/99

THE OAKLAND COUNTY SHERIFF'S DEPARTMENT PROVIDES LAW ENFORCEMENT SERVICES TO THE FOLLOWING AREAS:

ADDISON	LYON	SPRINGFIELD
BRANDON	OAKLAND	OXFORD
COMMERCE	ORION	
HIGHLAND	ROCHESTER HILLS	
INDEPENDENCE	ROYAL OAK TWP	

YOU SHOULD BE ADVISED THAT OTHER POLICE AGENCIES EXIST WITHIN OAKLAND COUNTY (FOR EXAMPLE: PONTIAC, TROY, SOUTHFIELD, WATERFORD AND MANY MORE). INFORMATION WOULD NEED TO BE OBTAINED DIRECTLY FROM THOSE AGENCIES.

A record was identified as follows:

09/26/00 Oakland County Sheriff      OUIL 3rd offense 6th Circuit Court

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
JUDICIAL CIRCUIT

06th Circuit Court - Oakland County

PETITION AND ORDER FOR  
DISCHARGE FROM PROBATIONJUDGE Nanci J. GRANT  
COUNTY PEOPLE V KING, STEVENORI  
MI630015JCourt Address 1200 N. Telegraph Rd., Dept. 404  
Pontiac, Michigan 48341-0404Court Telephone  
(248) 8581000THE PEOPLE OF THE STATE OF MICHIGAN  
Oakland County

V

## Defendant's name, address and telephone no.

King, Steven Edward  
22744 Cortes  
Novi, Michigan 48375  
(248) 5969993

CTN	SID	DOB
63-00041851-01		10/16/1970

Date of Probation  
9/26/2000Offense  
(1) 257.6256D - Operating - OUIL/Per SE/OWI - 3rd Offense NoticeTerm of Probation  
2 years

I respectfully petition this court to discharge the defendant from probation for the following reasons:

All conditions of probation have been fulfilled.

Mr. King has paid all assessments in full. A LEIN/CCH of 8/28/02, shows no outstanding warrants or new convictions for this offender.

/ks

8/28/02  
Date

Probation Officer PAUL WRADZILOWSKI

Probation Supervisor GRAHAM WALKER

## ORDER OF PROBATION DISCHARGE

## IT IS ORDERED:

1. Defendant is discharged from probation supervision, and any unfulfilled obligations or conditions of the sentence imposed by this court are discharged, except that collection for unpaid supervision fees, crime victims rights assessment, forensic fees, or restitution may be pursued according to law [MCL 791.225 A (6)].

☐ 2. The plea of finding of the guilt under the:☐ Controlled Substance Act (MCL 333.7411)☐ Spouse Abuse Act (MCL 769.4a)☐ Parental Kidnapping Act (MCL 750.350a)

is set aside and the case is dismissed. The records of arrest and discharge or dismissal in this case shall be retained as a nonpublic record according to the law.

☐ 3. The status of Youthful Trainee assigned by circuit court is terminated under the Holmes Youthful Trainee Act (MCL 762.14) and the case is dismissed. The record of arrest and discharge or dismissal in this case shall be retained as a nonpublic record according to the law.

4. Further, any other orders or judgements for costs or fees shall remain in effect.

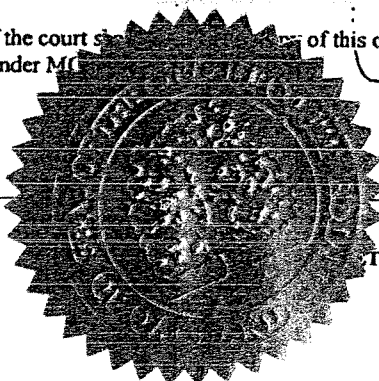
Date

Judge Nanci J. Grant

P42865

Bar No.

If item 2 or 3 is checked, the clerk of the court shall forward a copy of this order to the Michigan State Police Central Records Division to create a criminal history record as required under MCL 28.42(2).

King, Edward Steven - 318640  
08/28/2002 15:06:41STATE OF MICHIGAN  
COUNTY OF OAKLAND

I, G. WILLIAM CADDELL, County Clerk for the County of Oakland, Clerk of the Circuit Court thereof, the same being a Court of Record and having a Seal, hereby certify that the attached is a true copy.

Page 1 of 1

PETITION AND ORDER FOR DISCHARGE FROM PROBATION

G. WILLIAM CADDELL - Clerk - Register of Deeds

Deputy Clerk

JUL 19 2004

STATE OF MICHIGAN  
5TH JUDICIAL CIRCUIT  
OAKLAND COUNTY

JUDGMENT OF SENTENCE  
COMMITMENT TO JAIL

00-172798-FH



OAKLAND COUNTY JUDGE NANCY J. GRANT  
COUNTY PEOPLE V KING, STEVEN

ORI: MI-630015J

COURT ADDRESS: 1200 N. TELEGRAPH RD.

THE PEOPLE OF  
THE STATE OF MICHIGAN

V KING, STEVEN, EDWARD,  
31611 MARBLEHEAD  
FARMINGTON  
CTN MI 48336  
63-00-041851-01 SID DOB  
10/16/70

PHONE  
(248) 471-0001

THE COURT FINDS:

THE DEFENDANT PLEAD/FOUND GUILTY ON 08/21/2000 OF THE CRIME(S) AS STATED BELOW:

CNT	CONVICTED BY	CHARGE CODE(S)
	PLEA/COURT/JURY/CRIME	MCL CITATION/PACC CODE
001	G OUIL/PER SE - 3RD OFFENSE FEL	257.6256D

DEFENDANT WAS REPRESENTED BY AN ATTORNEY: ROBERT W., LARIN,

P16421

THE CONVICTION IS REPORTABLE TO THE SECRETARY OF STATE UNDER MCL 257.732 OR  
MCL 281.1040.

THE DEFENDANT'S DRIVER LICENSE NUMBER IS: K520777389797  
LICENSING SANCTION REPORTABLE TO STATE POLICE UNDER MCL 333.733A(11).  
THE DEFENDANT'S LICENSE HAS BEEN REVOKED.

IT IS ORDERED:

DEFENDANT IS SENTENCED TO JAIL AS FOLLOWS:

CNT	SENTENCE DATE	SENTENCE BEGINS	JAIL DAYS	CREDIT DAYS
001	09/26/2000	09/26/2000	91	1

DEFENDANT MAY BE RELEASED ON DAY PAROLE FOR THE FOLLOWING PURPOSE(S) DURING THE  
TIMES SPECIFIED:

WORKING AT REGULAR EMPLOYMENT

UPON APPROVAL OF WORK RELEASE, ALL COURT ORDERED FEES SHALL BE COLLECTED  
BY THE SHERIFF'S DEPARTMENT AND FORWARDED TO THE OAKLAND COUNTY  
REIMBURSEMENT DIVISION.

PAY: FINE: \$500.00  
COSTS: \$600.00  
SUP: \$720.00 AT \$30.00 A MONTH.  
\$60.00 VICTIMS RIGHTS FEE.

FINES, COSTS, AND FEES NOT PAID WITHIN 56 DAYS OF THE DATE OWED ARE SUBJECT  
TO A 20% LATE PENALTY ON THE AMOUNT OWED.

BE PLACED ON PROBATION FOR 2 YEARS AND ABIDE BY THE TERMS OF PROBATION.  
(SEE SEPARATE ORDER.)

COMPLETE THE FOLLOWING REHABILITATIVE SERVICES:  
SPECIFY: SUBS ABUSE PROG & TESTING AS DIRECTED

(CONTINUED ON PAGE 002)

STATE OF MICHIGAN  
6TH JUDICIAL CIRCUIT  
OAKLAND COUNTY

JUDGMENT OF SENTENCE  
COMMITMENT TO JAIL

CASE NO.  
2000-172798-FH

ORI: MI-630015J COURT ADDRESS: 1200 N. TELEGRAPH RD. PONTIAC, MI 48341

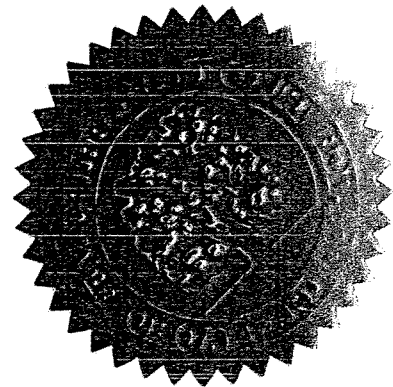
THE PEOPLE OF  
THE STATE OF MICHIGAN

V KING, STEVEN, EDWARD,  
31611 MARBLEHEAD  
FARMINGTON MI 48336  
CTN SID DOB  
63-00-041851-01 10/16/70

PHONE  
(248) 471-0001

(CONTINUED FROM PAGE 001)

OTHER: NO ALCOHOL, C/S - PERFORM 60 DAYS COMM SERV & PAY PROG FEE (OUIL/DWLS) -  
IF FLIG, PA511 STOP PROG - GET/MAINTAIN EMPLOYMT -IMMOB ORDER: 1 YR TO COMMENCE  
UPON COMPLETION OF JAIL SENTENCE



DATE: 09/26/2000 (SEAL)

JUDGE Nanci J. Grant

P42865

UNDER MCL 769.16A THE COURT CLERK SHALL SEND A COPY OF THIS ORDER TO THE  
MICH STATE POLICE CENTRAL RECORDS DIV TO CREATE A CRIMINAL HISTORY RECORD.

STATE OF MICHIGAN  
COUNTY OF OAKLAND

I G. WILLIAM CADDELL, County Clerk for the County of  
Oakland, Clerk of the Circuit Court thereof, the same  
being a Court of Record and having a Seal, hereby certify  
that the attached is a true copy.

In Testimony whereof, I have hereunto set my hand and  
placed the Seal of said Court this

G. WILLIAM CADDELL, Clerk - Register of Deeds

Deputy Clerk

MC 219 JUDGMENT OF SENTENCE/COMMITMENT TO JAIL  
FARMINGTON HILLS POLICE DEPT.

COURT FILE

16. 07.8 You must pay a fine of \$ 500.00 as ordered by the court. This fine may be paid at the rate of \$ per month.
17. 08.10 You must serve jail time as follows: Three months. One day credit. work release.
18. 9.01 Perform equivalent hours of community service when deemed indigent and unable to pay court costs and attorney fees. The defendant shall pay restitution, crime victim fees, costs, attorney fees, and/or fines to the Oakland County Reimbursement Division. Payments shall be monthly or as ordered by the Court over the period of probation and applied in accordance with Public Acts 341-348. All monies shall be paid 45 prior to discharge, or as ordered by the Court.
19. 9.02 Respondent shall perform 60 days of community service.
20. 9.50 Respondent's driving privileges are revoked. Vehicle immobilization for one year.
21. 9.70 Respondent shall pay a one-time Community Service Program fee as directed.

Failure to comply with this order may result in a revocation of probation and incarceration.

DEC 26 2000

Judge The Honorable Nanci J. Grant

P42865

Bar No.

I have read or heard the above order of probation and have received a copy. I understand and agree to comply with this order.

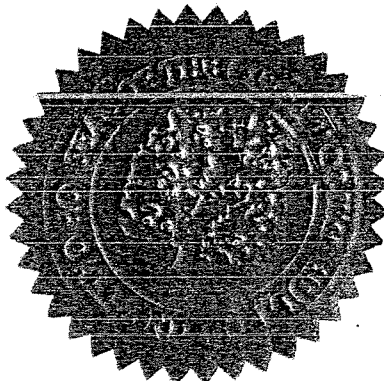
Date

Defendant's signature

If the judgement of guilt is deferred as stated above, the clerk of the court shall send a photocopy to this order to Michigan State Police Central Records Division to create a criminal history under MCL 769.16a.

CC 243a (7/96) ORDER OF PROBATION (Felony) MCL 600.4803.MCL 769.1a; MSA 28.1073; MCL 771.1 et seq.; MSA 28.1131 et seq.  
MCL 775.22; MSA 28.1259, MCL 780.826; MSA 28.1287(826), MCR 6.445

es



STATE OF MICHIGAN } ss.  
COUNTY OF OAKLAND

I G. WILLIAM CADDELL, County Clerk for the County of Oakland, Clerk of the Circuit Court thereof, the same being a Court of Record and having a Seal, hereby certify that the attached is a true copy.

In Testimony whereof, I have hereunto set my hand and placed the Seal of said Court this  
G. WILLIAM CADDELL - Clerk - Register of Deeds  
Deputy Clerk

King, Steven Edward- 318640  
10/03/2000 10:21:22

JUL 19 2004

Approved, SCAG

1st copy - Court  
1st copy - Probation Department

2nd copy - Probation  
3rd copy - Probation

CFJ-178 7/96

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
JUDICIAL CIRCUIT 06th Circuit Court

ORDER OF PROBATION  
(Felony)

(1)00

00-172798-FH

JUDGE Nanci J. Grant  
COUNTY PEOPLE V KING, STEVEN

Court Telephone (248) 8581000

ORI MI630015J Court Address 1200 N. Telegraph Rd., Dept. 404  
Pontiac Michigan 48341-0404

THE PEOPLE OF		Defendant's name, address and telephone no.	
<input checked="" type="checkbox"/> The State of Michigan	<input checked="" type="checkbox"/> Oakland County	King, Steven Edward 31611 Marble Head Farmington Michigan 48336 (248)4710001	
SEPTEMBER 26, 2000		SID	DOB
00 DEC 28 19 02		2085440P	10/16/1970
Probation Officer		Term 2 year(s)	
CHERIE PETERSON (248) 655-1144			
Offense		Judgement of guilt is deferred under:	
(1) 257.6256D - Operating OUIL/Per SE/OWI - 3rd Offense Notice		MCL 333.7411; MSA 14.15(7411), Controlled Substance Act	
BY DEPUTY COUNTY CLERK		MCL 750.350a; MSA 25.582(1), Parental Kidnapping Act	
		MCL 762.11; MSA 28.853, Youthful Trainee Status	

IT IS ORDERED that the defendant be placed on probation under the supervision of the above named probation officer for the term indicated, and the defendant shall:

1. Not violate any criminal law of any unit of government.
2. Not leave the state without the consent of this court.
3. Make a truthful report to the probation officer monthly, or as often as the probation officer may require, either in person or in writing, as required by the probation officer.
4. Notify the probation officer immediately of any change of address or employment status.

Pay the following to the court:

Fine.....	\$500.00
Costs.....	\$600.00
Restitution.....	\$
Crime Victim Assessment.....	\$60.00
Other.....	\$0.00
TOTAL.....	\$1,160.00

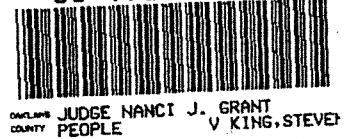
5. ☐ Total amount due may be paid in installments of \$ \_\_\_\_\_ per \_\_\_\_\_ starting on \_\_\_\_\_ and paid in full by the date on the judgement of sentence unless otherwise ordered. Fines, costs and fees not paid within 56 days of the date owed are subject to a 20% late penalty on the amount owed. If a cash bond/bail was personally posted by the defendant, payment toward the total is to first be collected out of that bond/bail and allocated as specified under MCL 775.22
6. Pay a supervision fee to the Department of Corrections in the amount of \$ 720.00 The fee is payable immediately. This fee also applies to all delayed sentences. A supervision fee may not be ordered or collected for defendants whose judgement of guilt has been deferred under MCL 750.530a.  
☐ Total amount due may be paid in installments of \$ 30.00 per month starting on \_\_\_\_\_ payable to the State of Michigan
7. 02.0 Alcohol/Intoxicants: You must not use or possess alcoholic beverages or other intoxicants or enter establishments that dispense these for consumption on the premises.
8. 02.4 You must comply with the requirements of alcohol and drug testing ordered by the Field Agent or Law Enforcement at the request of the Field Agent, at the discretion of the Field Agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper or otherwise interfere with the testing procedures. Proper identification must be presented at the time of testing.
9. 02.9 You must not use or possess any controlled substances or drug paraphernalia (unless prescribed for you by a licensed physician), or be with anyone you know to possess these items.
10. 03.15 You must enter the PA511 STOP (if needed) Program, abide by all the rules and regulations of that program, and not leave the program until given permission by the Field Agent.
11. 03.9 You must apply to, not prevent acceptance into, actively participate in, not give cause to be discharged from, and complete any Outpatient Substance Abuse Treatment Program, at the discretion of the Field Agent.
12. 06.3 You must seek, maintain, and provide ongoing verification of employment for a minimum of 30 hours per week, unless engaged in an alternative program approved by the Field Agent. You shall not give cause to be terminated, nor voluntarily terminate your employment.
13. 07.3 You must pay a Crime Victim's Assessment in the amount of \$ 60.00 as ordered by the court.
14. 07.5 You must pay a Supervision Fee of \$ 720.00 as ordered by the court. This fee may be paid at the rate of \$ 30.00 per month.
15. 07.7 You must pay Court Costs of \$ 600.00 as ordered by the court. These costs may be paid at the rate of \$ per month.

King, Steven Edward- 318640  
10/03/2000 10:21:22



BIND OVER/TRANSFER AFTER  
PRELIMINARY EXAMINATION  
FELONY

00-172798-FH



STATE OF MICHIGAN  
47<sup>TH</sup> DISTRICT COURT  
ORI: MI630055J  
6<sup>TH</sup> CIRCUIT COURT

District: HOO-1679FD  
Circuit: #00172798FH  
PO: 00-41851

THE PEOPLE OF THE  
STATE OF MICHIGAN

V

KING/STEVEN/EDWARD  
31611 MARBLEHEAD  
FARMINGTON, MICHIGAN 48336

Date: on or about: MAY 7, 2000  
Charge: OUIL/UBAL 3RD OR SUBS OFFENSE

District Judge: MARLA PARKER  
Court Reporter/Recorder: CATHY FOSTER  
Represented by counsel: ROBERT LARIN #P16421 RETAINED

\_\_ Examination has been waived on

☒ Examination was held on JUNE 2, 2000, and it was found that probable cause exists to believe both that an offense not cognizable by the district court has been committed and that the defendant committed the offense.

The defendant is bound over to circuit court to appear on JUNE 13, 2000 at 8:30AM before JUDGE GRANT

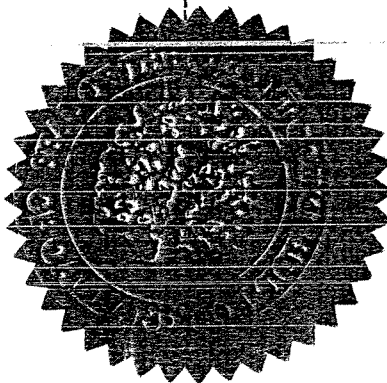
☒ On the charge(s) in the complaint

\_\_ On the amended charge(s) of

Bond is set in the amount of \$2,500. CASH/SURETY 10% POSTED

Date: JUNE 2, 2000

District Judge



STATE OF MICHIGAN } SS.  
COUNTY OF OAKLAND

I G. WILLIAM CADDELL, County Clerk for the County of Oakland, Clerk of the Circuit Court thereof, the same being a Court of Record and having a Seal, hereby certify that the attached is a true copy.

In Testimony whereof, I have hereunto set my hand and placed the Seal of said Court this 19<sup>TH</sup> JUNE 2000  
G. WILLIAM CADDELL - Clerk Register of Deeds  
Deputy Clerk

2



Labor &amp; Economic Growth



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**Insurance Agent Licensing Changes Take Effect Today****Contact:** OFIS (Toll Free) 1- 877-999-6442**Agency:** Financial and Insurance Services**MEDIA CONTACT:** Julie K. Smith (517) 335-1700**For questions about a license, please call OFIS toll free at (877) 999-6442****FOR IMMEDIATE RELEASE: March 1, 2002***OFIS Process Will Include Interactive Exchange of Information*

(LANSING, MI) - The Michigan Office of Financial and Insurance Services (OFIS) today implemented process changes for the licensing of insurance agents. The changes are a result of the producer licensing model act as signed into Michigan law on January 2, 2002.

"The producer licensing model act makes the licensing of Michigan insurance agents even more efficient," said OFIS Commissioner Frank M. Fitzgerald. "These changes simplify the licensing process, establish the necessary framework for a national licensure program, and create reciprocity while preserving state's rights."

The federal Gramm-Leach-Bliley Act (GLBA), passed in the fall of 1999, changed the way the financial services industries are regulated. The act included a deadline for states to adopt a uniform insurance licensing system or face federal regulation.

Nationally, the producer licensing model act advances uniformity in agent licensing by creating uniform definitions, key exceptions, standards for agent appointments, and application processes for residents and non-residents. The act also establishes uniform definitions for major lines of insurance, exemptions from pre-licensing requirements for certain producers, and standards for license denials, non-renewals and revocations. Insurance agents in Michigan will notice the following changes in the licensing process:

- New applications are available for resident individuals (FIS-0220, at [www.michigan.gov/documents/](http://www.michigan.gov/documents/))

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[cis\\_ofis\\_fis\\_0220\\_24139\\_7.pdf](#)) and entity producers (FIS-0202, at [www.michigan.gov/documents/cis\\_ofis\\_fis\\_0202\\_24136\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0202_24136_7.pdf)). In the future both applications will also be available at [www.asisvcs.com](http://www.asisvcs.com) - the individual application will be available on an interactive basis.

- Appointments are no longer needed for issuance of a producer license but are required before a producer can solicit, negotiate, or sell for an insurance company.
- New exams for credit products or personal lines have been developed.
- There have been additions and changes to types of qualifications. Multiple lines property & casualty will continue; however candidates may now earn property only and casualty only. Personal lines and credit product qualifications were newly created. The appointment form (FIS-0206) for new qualifications is available at [www.michigan.gov/documents/cis\\_ofis\\_fis\\_0206\\_24138\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0206_24138_7.pdf).
- Nonresident surplus lines license is now available. This replaces the risk retention license for non-residents.
- The reinstatement period of a resident license without prelicensing or testing has been changed from 24 months from the date of inactivation to 12 months.
- When moving from one state to another, a nonresident Michigan agent submits an address change within 30 days of the move and certification from the new resident state. This will keep the nonresident Michigan license in good standing. If the information is not submitted in 30 days, a new application and fee are required.
- In order to become licensed, a business entity is required to designate one producer to be responsible for the business entity's compliance with Michigan's insurance laws. This information is entered on the first page of the entity producer form (FIS-0202, [www.michigan.gov/documents/cis\\_ofis\\_fis\\_0202\\_24136\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0202_24136_7.pdf)).
- FIS-0200 is no longer needed for affiliations when an application is submitted. FIS-0200 (available on the at [www.michigan.gov/documents/cis\\_ofis\\_fis\\_0200\\_24133\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0200_24133_7.pdf)) is used for producers that already have a license and need to make changes, additions, or cancellations to their affiliations.
- Michigan's unique treatment for solicitors remains unchanged. Only property and casualty producers/agencies can sponsor a solicitor.

- OFIS Acting C  
Announces Ja:  
New Public Inf  
Officer
- 2007 HMDA S
- OFIS Orders F  
Insurance Age  
Selling Bogus  
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- Settlement Ch  
Bring Holiday t

Questions or requests for more information can be directed to OFIS's licensing staff by email to [ofis-ins-licensing@michigan.gov](mailto:ofis-ins-licensing@michigan.gov) or toll free at (877) 999-6442.

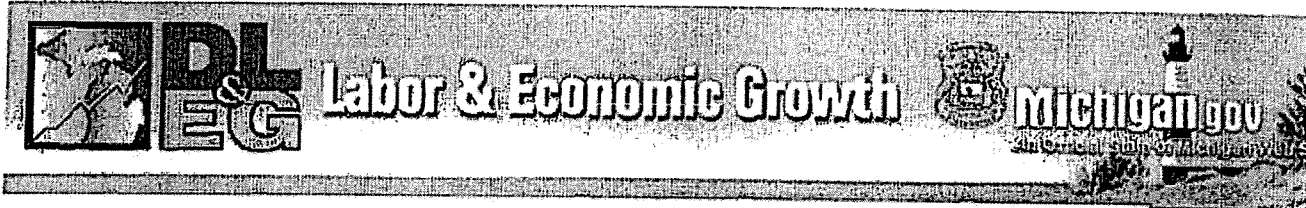
**###**

*The Michigan Office of Financial and Insurance Services (OFIS) is responsible for the regulation of Blue Cross Blue Shield, 29 HMOs, 145 banks, 175 domestic insurance companies, 291 credit unions, 1,300 foreign insurance companies, 1,583 investment advisers, 2,164 securities broker-dealers, 6,000 consumer finance lenders, 89,000 insurance agents, and 120,715 securities agents. OFIS is part of the Department of Consumer and Industry Services and is primarily fee-funded, requiring minimal public tax dollars for its regulatory and consumer assistance activities. OFIS has insurance, financial institutions and securities information available online at the OFIS web site, [www.michigan.gov/ofis](http://www.michigan.gov/ofis), or at the Michigan government home page, [www.michigan.gov](http://www.michigan.gov). All information is also available through the OFIS toll free number, (877) 999-6442.*

*If you would like to receive OFIS press releases electronically, please email [ofis-info@michigan.gov](mailto:ofis-info@michigan.gov).*

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## If a background information question is answered "yes"

The Michigan Insurance Code Section 500.1239 gives the Commissioner the power to place on probation, suspend, revoke, or refuse to issue an insurance producer's license. If you have marked yes to one of the background questions, you will be required to send in additional documentation.

**Question number 1** - Have you ever been convicted of committing a crime, or are you currently charged with committing a crime, whether or not adjudication was withheld? Crime includes misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations, driving under the influence of alcohol first offense citations, disturbing the peace, and juvenile offenses. If you have been convicted of a felony, you will need to complete and submit an Application for Written Consent to Engage in the Business of Insurance. If you have been convicted of a misdemeanor, the following items will be needed in order to review the application.

- Written statement explaining the circumstances of each incident.
- Copy of the charging document.
- Copy of the official document that demonstrates the resolution of the charges or any final judgment.

**Question number 2** - Have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license? "Involved" means having a license censured, suspended, revoked, cancelled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. If you answer yes, you must attach to the application:

- Written statement identifying the type of license and explaining the circumstances of each incident.
- Copy of the Notice of Hearing or other document that states the charges and allegations.
- Copy of the official document that demonstrates the resolution of the charges or any final judgment.

**Question number 3** - Has any demand been made or judgment rendered against you for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? You can answer no to this question for a garnishment where the debt

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has been paid and the obligation fully satisfied, or if the order of judgment has been fully satisfied or the matter dismissed. If you answer yes, you must attach to the application:

- Written statement of the circumstances out of which the dispute arose or the reason why bankruptcy had to be filed.
- Schedules D, E, and F. These are the creditors that bankruptcy was filed against. When a person filed for bankruptcy, they submitted a list of the creditors to the lawyer, the lawyer in turn put the list into Schedules D (creditors holding secured claims, usually a mortgage or car loan etc.), E (creditors holding unsecured priority claims, usually student loans, taxes, etc.), and F (creditors holding unsecured nonpriority claims, usually credit cards and medical bills, etc.). If you no longer have these important papers, you will need to contact the bankruptcy court for duplicates.
- Discharge of debtor. Provided by the court once the bankruptcy is discharged.
- If the bankruptcy was discharged more than 7 years prior to the date you are applying, you will need to submit only the discharge of debtor.

**Question number 4** - Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? If you answer yes, you must identify the jurisdiction in which the taxes are due.

**Question number 5** - Are you currently a party to, or have you ever been found liable in, any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation, or conversion of funds, misrepresentation or breach of fiduciary duty? If you answer yes, you must attach to the application:

- Written statement summarizing the details of each incident.
- Copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration.
- Copy of the official document which demonstrates the resolution of the charges or any final judgment.

**Question number 6** - Have you or any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? If you answer yes, you must attach to the application:

- Written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license.
- Copies of all relevant documents.

**Question number 7** - Do you have a child support obligation in arrearage? If you answer yes, you must submit a copy of the court order requiring child support payments and either bring the obligation out of arrearage or submit verification that all child support payments (including any amount in arrears) are current as required by any and all court orders.

**Question number 8 - Are you the subject of a child support related subpoena or warrant? If yes, submit a statement showing compliance with administrative or court ordered child support.**

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# KELLEY CAWTHORNE

ATTORNEYS &  
GOVERNMENT  
RELATIONS  
CONSULTANTS

*Frank J. Kelley  
Dennis O. Cawthorne  
Patrick H. McCollough  
Steven D. Weyhing  
David Gregory*

GOVERNMENT  
RELATIONS  
CONSULTANTS

*Rob Elhenicky  
Dave Ladd  
Melissa Yutzey*

OF COUNSEL

*Bill Bullard, Jr.*

April 3, 2008

Mr. Marlon Roberts  
Ms. Linda Rogers  
Office of Financial and Insurance Services  
Department of Labor & Economic Growth  
P.O. Box 30220  
Lansing, MI 48909-7720

RE: Steven Edward King  
Enforcement Case No. 08-5584

Dear Mr. Roberts and Ms. Rogers,

Enclosed please find our Notice of Appearance on behalf of our client, Steven Edward King, in the above referenced matter.

This letter also serves as a request for an informal conference as provided by Michigan's Administrative Procedures Act, MCL 24.201 et seq. and as referenced in your transmittal of March 19, 2008. My assistant, Terri Davis will be calling to confirm our request and assist in scheduling the conference.

Finally, this letter serves as a request under Michigan's Freedom of Information Act; MCL 15.231 et seq., for a copy of Steven King's entire licensing file.

Please understand that we will not be able to effectively participate in the informal conference until we have received and reviewed Mr. King's file.

This letter is submitted without any waiver of any defenses or claims Mr. King may have as a result of the Department's actions.

Sincerely,

*Steven D. Weyhing*  
Steven D. Weyhing

SDW/tjd  
Encl.



**STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

**Before the Commissioner of the Office of Financial and Insurance Services**

In the matter of:

**Steven Edward King**  
24324 Lynwood Drive  
Novi, MI 48374

**Enforcement Case No. 08-5584**

Respondent.

\_\_\_\_\_ /

**NOTICE OF APPEARANCE**

Please take notice that Kelley Cawthorne PLLC, 208 N. Capitol Avenue, 3<sup>rd</sup> Floor,  
Lansing, Michigan 48933-1356, (517) 371-1400 has been retained to represent Respondent  
Steven Edward King in the above referenced Enforcement case.

KELLEY CAWTHORNE, PLLC

Date: April 3, 2008

By: *Steven D. Weyhing*  
Frank J. Kelley (P 15818)  
Steven D. Weyhing (P30749)



# KELLEY CAWTHORNE

ATTORNEYS &  
GOVERNMENT  
RELATIONS  
CONSULTANTS

*Frank J. Kelley  
Dennis O. Cawthorne  
Patrick H. McCollough  
Steven D. Weyhing  
David Gregory*

April 29, 2008

Mr. Marlon Roberts  
Office of Financial and Insurance Services  
Department of Labor & Economic Growth ("Department")  
P.O. Box 30220  
Lansing, MI 48909-7720

GOVERNMENT  
RELATIONS  
CONSULTANTS

*Rob Elhenicky  
Dave Ladd  
Melissa Yutzey*

RE: Steven Edward King  
Enforcement Case No. 08-5584

Dear Mr. Roberts,

OF COUNSEL

*Bill Bullard, Jr.*

This letter will confirm my voicemail of today's date.

On April 3, 2008 we filed our Notice of Appearance on behalf of Mr. King and requested an informal conference, subject to our receipt of Mr. King's licensing file. In that correspondence we also requested Mr. King's licensing file under Michigan's Freedom of Information Act.

To date we have not received his file and we ask that the information be provided to our office as soon as possible. More importantly, our client is receiving direct contact from the Department with respect to this enforcement action and as he is represented by counsel and counsel has filed a Notice of Appearance, we ask that this immediately cease pursuant to Rule 4.2 of the *Michigan Rules of Professional Conduct*.

As always, our client reserves all rights with respect to the actions taken by the Department.

Sincerely,

  
Steven D. Weyhing

SDW/tjd



MAY 09 2008

JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF FINANCIAL AND INSURANCE SERVICES  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
KEITH W. COOLEY, DIRECTOR

KEN ROSS  
COMMISSIONER

May 6, 2008

Mr. Steven D. Weyhing  
Kelley Cawthorne  
208 South Capitol Avenue, 3<sup>rd</sup> Floor  
Lansing, MI 48933-1356

Re: FOIA request of Mr. Steven King's File  
Enforcement Case No.: 08-5584

Dear Mr. Weyhing:

Pursuant to Section 1246 of the Michigan Insurance Code, MCL 500.1246, documents contained in Mr. Steven King's file are not subject to the Freedom of Information Act, MCL 15.231 *et seq.* However, if this matter becomes a contested case, some of the documents in Mr. King's file may be subject to discovery pursuant to the Michigan Administrative Procedures Act, MCL 24.201 *et seq.*

Should you have questions concerning this matter, please contact me at (517) 335-4593.

Sincerely,

Marlon F. Roberts  
Staff Attorney  
Office of Financial and Insurance Services

Enclosures



# KELLEY CAWTHORNE

ATTORNEYS &  
GOVERNMENT  
RELATIONS  
CONSULTANTS

May 19, 2008

*Frank J. Kelley  
Dennis O. Cawthorne  
Patrick H. McCollough  
Steven D. Weyhing  
David Gregory*

GOVERNMENT  
RELATIONS  
CONSULTANTS

*Rob Elhenicky  
Dave Ladd  
Melissa Yutzey*

OF COUNSEL

*Bill Bullard, Jr.*

Mr. Marlon Roberts  
Office of Financial and Insurance Services  
Department of Labor & Economic Growth ("Department")  
P.O. Box 30220  
Lansing, MI 48909-7720

RE: Steven Edward King  
Enforcement Case No. 08-5584

Dear Mr. Roberts,

Thank you for your correspondence of May 6, 2008. We respectfully disagree with the Department's position that the documents contained in Mr. King's license file are unavailable for his review. It is our position that MCL 500.1246 secretes only documents "furnished" or "obtained" "in an investigation pursuant to this section" and then only during the pendency of the investigation.

Our client's 2004 application materials and the documents generated by the Department in its consideration of those application materials were not "furnished" or "obtained" pursuant to "an investigation" under MCL 500.1246. Even if the Department maintains that an investigation is pending against Mr. King and that such "investigation" requires his own license file be hidden from his review, the formal notice our client has received, confirms that the Department completed the investigation and has commenced revocation proceedings against Mr. King's license and livelihood. It is not a pending investigation.


In addition to FOIA, Michigan's Administrative Procedures Act, MCL 24.201 ("APA") and the procedural and substantive due process guarantees of Section 17 of the Michigan Constitution of 1963 mandate provision of the records and files relevant to the Department's effort to revoke Mr. King's license.

Although Mr. King has requested an opportunity for an informal conference as provided under the APA and confirmed in *Rogers v State Board of Cosmetology* 68 Mich App 751 (1976), effective participation in such a conference

necessitates that he and his counsel have an opportunity to review his file. Without that review, the conference would simply be a sham and devoid of any due process.

We ask that the Department reconsider its position. We would be willing to review any confidentiality agreement proposed by the Department.

Sincerely,



Steven D. Weyhing

SDW/tjd

Sue checked OBASE and found three of the licenses are inactive. This may be due in all instances to failure to meet continuing ed requirements. Karl is checking into this further because, after a set time passes, the licenses are revoked automatically by law.

Marlon will be assigned to all cases. The Respondent's are being told to contact Marlon and, if any one of them wants to meet, Marlon will check for AAG availability in setting up the time and date for the meeting.

Thanks for your suggestions.

John

-----Original Message-----

**From:** Chenoweth, William

**Sent:** Tuesday, October 30, 2007 10:23 AM

**To:** Blanchard, John; Schoonmaker, John R (DLEG); Farrell, Michael; Silver, David; Kerr, Christopher

**Cc:** Ross, Kenneth M (DLEG)

**Subject:** RE: NOSC--license revocation

I agree with John Blanchard's suggestion. As written paragraph 8 is an invitation to an agent to run to circuit court and seek an injunction claiming that there is no need to exhaust the administrative process because the Commissioner has prejudged the matter. Along the same lines, I suggest that the first sentence under "Factual Allegations and Complaint" be changed to read "OFIS staff alleges the following:" Aside from the fact that the passive voice makes my teeth ache and "true and correct" is redundant, this revision makes it clear WHO is alleging the facts, and it's not the Commissioner.

-----Original Message-----

**From:** Blanchard, John

**Sent:** Tuesday, October 30, 2007 9:56 AM

**To:** Schoonmaker, John R (DLEG); Chenoweth, William; Farrell, Michael; Silver, David; Kerr, Christopher

**Cc:** Ross, Kenneth M (DLEG)

**Subject:** RE: NOSC--license revocation

Paragraph 8. Shouldn't this prejudgment expression of the Commissioner's intention be avoided. This could be an invitation to run to court because it expresses unequivocally the intention of the Commissioner. Even tho the statute says what it says, and the statement may be true, still we are in an NOSC process and the Commissioner will be the final decision maker. Should we say that it is the intention of OFIS staff the recommend to the Commissioner? Would everyone look at this please. Thanks

John Blanchard  
Assistant Attorney General  
Insurance & Banking Division  
Dept. of Attorney General  
P.O. Box 30754  
Lansing, Michigan 48909  
Telephone: (517) 373-1160  
Fax: (517) 335-6755  
e-mail address: blanchardje@michigan.gov

-----Original Message-----

**From:** Schoonmaker, John R (DLEG)

**Sent:** Monday, October 29, 2007 5:11 PM

**To:** Blanchard, John; Chenoweth, William; Farrell, Michael; Silver, David

11/2/2007